REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

I.   Status of the Application

Claims 1, 3, 5-9 and 12-14 remain in this application. Claims 2, 4, 10 and 11 have been cancelled.

II.   Claim Rejections

Claims 1-14 have been rejected by the Examiner under 35 USC §102(b) as being anticipated by Alperovich et al. (U.S. Patent No. 6,101,393).

With regard to claim 1, the Examiner alleges that Alperovich et al. disclose a method for preventing delivery of selected SMS messages, comprising the steps of: (1) receiving an SMS message destined for an end user; (2) determining that one or more telephone numbers are associated with the SMS message; (3) comparing the one or more telephone numbers to a plurality of predetermined telephone numbers; and (4) selectively preventing delivery of the SMS message to the end user if any of the one or more telephone numbers associated with the SMS message matches any of the plurality of predefined telephone numbers in the list.

Alperovich et al. disclose a system in which a cellular subscriber can selectively enable or disable the acceptance of short messages by specifying certain telephone numbers from which the receipt of short messages will be allowed (acceptance list 220 in Fig. 4) and other telephone numbers from which the receipt of short messages will be rejected (rejection list 230 in Fig. 4). A screening application (240) resident in the HLR (26) determines the identity of a sender of a short message by preferably examining the MSISDN (505) (the MSISDN is a 10 digit code

associated with each mobile phone, which code represents the home area code and phone number of the phone), compares the MSISDN with the user specified phone numbers, and either allows the short message to be sent or deletes the message based on which user list (reject or accept) the sender phone number appears (see Fig. 5). While Alperovich et al. admittedly disclose that identifiers other than the MSISDN may be used (such as an IMSI number associated with a single originating entity, or a group or type identifier), Alperovich makes clear that the identifier must be a datum that accompanies the transmitted SMS message, which datum uniquely identifies the originator of the SMS message (Col. 3, lines 30-35) (e.g., the "source_addr" parameter associated with the SMS message).

In contrast, the present invention is directed to a system and method for preventing delivery of unsolicited SMS messages, such as mass distributed spam SMS messages. As the application makes clear at p. 2, systems which block SMS messages based on the identification of the sender, such as the system disclosed by Alperovich et al., are of little use in protecting against spammers because spammers typically use email accounts to send the messages and frequently change their accounts. Thus, it is virtually impossible to know from the MSISDN or other source identifier that a particular SMS message has originated from a spammer.

The major improvement incorporated in the present invention was the revelation that SMS spammers, particularly those selling products or services, typically include a telephone number within the text of the SMS message or associate a call-back number when sending the message. This call-back number is not the originator's phone number, but rather a number that a recipient can call and through which additional information about the product or service can be obtained. Thus, the present invention attempts to determine if an SMS message is being sent by an unsolicited spammer by utilizing a pre-set list of call-in information telephone numbers known to be associated with spammers, and then looking, not at the source identification of the

message (e.g., the "source_addr" parameter associated with the SMS message), but in either the text of the short message, as represented by the "short_message" parameter of the SMS message, or as included with the message as an associated call-back number, as represented by the "callback_num" parameter of the SMS message. The present system differs substantially from the one disclosed by Alperovich et al. because there is simply no identification of the specific originator of the message in the present system (other than generally that the originator was a spammer).

In light of this, claim 1 has been amended to specify that the step of determining that one or more telephone numbers are associated with the SMS message, is accomplished by searching in either a "short_message" parameter or a "callback_num" parameter associated with the SMS message. Because Alperovich does not disclose a system in which the telephone number associated with an SMS message is determined by searching in either a "short_message" parameter or a "callback_num" parameter associated with the SMS message, it is hereby submitted that claim 1 is patentable over Alperovich et al.

Claim 2 has been cancelled. Thus, the Examiner's rejection of claim 2 has been rendered moot.

Claim 3 depends from claim 1. For at least the reasons set forth above, claim 3 is submitted to be patentable over Alperovich et al. Additionally, claim 3 has been amended to specify that the determining step of claim 1 further includes searching the "short_message" parameter of the SMS message for a plurality of numbers having a predefined pattern. Because Alperovich et al. does not disclose a system in which the "short_message" parameter of the SMS message is searched at al, claim 3 is additionally submitted to be patentable over Alperovich et al. for this reason.

Claim 4 has been cancelled. Thus, the Examiner's rejection of claim 4 has been rendered moot.

Claim 5 depends from claim 1. For at least the reasons set forth above, claim 5 is submitted to be patentable over Alperovich et al. Additionally, claim 5 has been amended to specify that the determining step of claim 1 further includes searching for the one or more telephone numbers in both the "short_message" parameter and the "callback_num" parameter associated with the SMS message. Because Alperovich does not disclose searching for a telephone number in either of these locations, claim 5 is additionally submitted to be patentable over Alperovich et al. for this reason.

Claims 6-9 depend from claim 1. For at least the reasons stated above, these claims are submitted to be patentable over Alperovich et al.

Claims 10 and 11 have been cancelled. Thus, the Examiner's rejection of these claims has been rendered moot.

With regard to claim 12, the Examiner alleges that Alperovich et al. disclose a system for preventing delivery of SMS messages, comprising: (1) one or more network processing devices; (2) a list of predefined telephone numbers; (3) the one or more network processing devices operative to (a) receive data from a sending device, the received data including a message destined for an intended SMS receiving device, (b) extract one or more telephone numbers from the received data, (c) compare the extracted one or more telephone numbers to the list of predefined telephone numbers, and (d) selectively prevent delivery of a message to the intended SMS receiving device if any of the one or more telephone numbers matches any of the telephone numbers in the list of predefined telephone numbers.

Claim 12 has been amended to specify that the one or more telephone numbers are extracted from either one of the "short_message" parameter or the "callback_num" parameter

associated with the SMS message, rather than from the source identifying information of the SMS message. Because Alperovich does not disclose a system in which the telephone number associated with an SMS message is extracted from either a "short_message" parameter or a "callback_num" parameter associated with the SMS message, it is hereby submitted that claim 12 is patentable over Alperovich et al.

Claims 13 and 14 depend from claim 12. For at least the reasons stated above, these claims are submitted to be patentable over Alperovich et al.

CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that a Notice of Allowance as to all pending claims be issued in this case.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Evan M. Bundis
Reg. No. 46,587
Attorney for Applicants

DARBY & DARBY, P.C.
Post Office Box 5257
New York, N.Y. 10150-5257
Phone (212) 527-7700